REMARKS

Examiner Lesniewski is thanked for his continued attention to the present application. Nevertheless, it is respectfully submitted that the Examiner has misconstrued the teachings of the sole cited reference, the Peng patent. Additionally, and contrary to the assertions contained in the Office Action, it is respectfully submitted that the Peng priority document does not support a rejection of the claimed subject matter.

As stated in the previous response, the claims of the present application all specify "computing" or an analogous concept (Claim 15, "computing remuneration data," Claim 18, "computing means," Claim 22, "computing means," Claim 23, "computing," Claim 26, "an account register configured to compute"). The Peng patent does not support the rejection of the subject claims, because Peng does not disclose or suggest the concept of "computing." Peng states merely that "tracking also facilitates billing by providing a detailed record of each user's billable activities." Thus, at most Peng teaches a system that <u>monitors</u> a user's activities, not one that <u>computes</u> remuneration data based thereon.

For instance, with reference to Claim 15, the claim specifies generating data based on output data of the monitoring, and computing remuneration data related to the electronic content and adaptation data based on the generated data. These teachings are nowhere to be found in Peng. The Examiner points to Peng at Column 7 Lines 44-46, but this is simply a disclosure of the transaction tracking feature of Peng. The concept of providing a "detailed record" is not the same as the "generating" and "computing" steps specified in Claim 15. The other pending claims are patentable over Peng for similar reasons.

In Paragraph 19 of the Office Action, the Examiner asserts that Page 77, Section 3.3.4 of the Peng provisional application supports the rejection. Applicants respectfully disagree. This section states, in its entirety, as follows:

> To prevent any violation of transaction semantics and data integrity, also to prevent possible denies of services by wireless users or to provide a means for billing and other purposes, a gateway will track and log the progress of each transaction, including application download, application redownload, application status check application update data download, data redownload, or data synchronization. An application can be created and registered as a listener to transaction events so that, for example, when a transaction failed, it can roll back in the transaction or do appropriate error recovery, or when a transaction succeeded, it can record for billing purposes.

This section of Peng priority application does not teach or suggest the presently claimed "computing" concept. Rather, the cited passage teaches only that when a transaction succeeds, it can be tracked and recorded for a billing purpose. Again, this document fails to establish a § 102 or 103 rejection, because it contains no teaching or suggestion of the claimed "computing." Put another way, even if the Peng patent were seen to disclose "computing," the Peng priority application fails to provide § 112 support for this concept, and thus the rejection would fail. As specified in the M.P.E.P. at § 2136.3(III), where a rejection is premised on the priority application of a U.S. Patent, that priority application

must support the subject matter relied upon for the rejection. The Peng priority application is silent as to "computing," and accordingly no rejection can be premised upon the Peng patent.
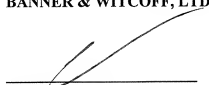
For these reasons, it is respectfully submitted that the rejection contained in the Final Office Action should be withdrawn.

Respectfully submitted,

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